

REMARKS/ARGUMENT

Claims 1-15 are pending in this application. Claims 1-3, 9, 10, 12, and 14 stand rejected and claims 4-8 are objected to as being dependent upon a rejected base claim.

Applicant wishes to thank the Examiner for the indication of allowance of claims 11, 13 and 15 and the indication of allowable subject matter in dependent claims 4-8.

In reviewing the file, Applicant noted that the Information Disclosure Statement filed May 20, 2002 has not been acknowledged by the Examiner. A copy of this Information Disclosure Statement and the postcard is included for the Examiner. Applicant requests that the Examiner review the cited references and return the initialed Information Disclosure Statement to the Applicant.

For the reasons set forth below, Applicant respectfully submits that claims 1-3, 9, 10, 12 and 14 are also patentable over the prior art of record, for the reasons discussed below.

Claims 1-3, 9, 10, 12 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by PCT Int'l Publication No. WO 98/59512 ("Karlsson"). Applicant requests the withdrawal of this rejection.

Applicant filed the present application in the United States claiming priority to a Japanese application filed March 4, 1998. The Karlsson reference, which is the basis of all of the Examiner's rejections, was published on December 30, 1998. The publication date is after

Applicant's filing date. Further, the United States was not designated in the PCT application. Therefore, the Karlsson reference cannot be used as a reference under 35 U.S.C. § 102(e). Further, the Karlsson reference is not a valid reference under 35 U.S.C. §§ 102(a) or (b) because the publication date is December 30, 1998, after Applicant's priority date. Therefore, the rejections in light of Karlsson should be withdrawn.

Applicant's request that the Examiner withdraw the rejection of claims 1-3, 9, 10, 12 and 14.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

The amendments to the claims are for clarification purposes only and are not intended to limit the scope of the claims in any way. It is asserted that the present amendment places the application in a form for allowance. Entry of this amendment is therefore earnestly solicited.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: June 5, 2003

Respectfully submitted,

By

Ian R. Blum

Registration No.: 42,336
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas - 41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorneys for Applicant

IRB/mgs